

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

JUL 23 2002

Applicant: Kane et al.
Serial No.: 10/002,536
Filed: November 1, 2001
For: COMPOSITIONS AND SYSTEMS FOR IDENTIFYING AND
COMPARING EXPRESSED GENES (mRNAs) IN EUKARYOTIC
ORGANISMS

Commissioner for Patents
Washington, D.C. 20231

DECLARATION UNDER 37 C.F.R. § 1.47

RECEIVED

Dear Sir:

JUL 29 2002

OFFICE OF PETITIONS

1. I, Michael D. Kane, Ph.D., am over the age of 18 and have personal knowledge with respect to the matters set forth below. I am lead inventor on the above-identified application and at all relevant times was Vice President of Genomic Research and Development at Genomic Solutions, Inc., in Ann Arbor Michigan.
2. Alan A. Dombkowski, Ph.D., is currently listed as a co-inventor on the above-identified application. When the application was filed on November 1, 2001, Dr. Dombkowski was also employed at Genomic Solutions, and I advised him that the application was being filed, naming him as a co-inventor. Dr. Dombkowski's employment with the company ended in mid-December, 2001.
3. Beginning after our patent counsel received communications from the U.S. Patent and Trademark Office in January 2002, I had several contacts with Dr. Dombkowski where I requested his cooperation in signing necessary papers for prosecuting the pending application.
4. In one such contact, a prearranged meeting at the request of the General Counsel of Genomic Solutions, I met Dr. Dombkowski in person in late afternoon on March 15, 2002, at a Barnes & Noble bookstore in Ann Arbor, Michigan. At that meeting, I personally delivered copies of the pending application papers and a declaration and oath to Dr. Dombkowski for

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his review and signature and asked whether he would sign the declaration and oath. At that March 15th meeting and in at least two subsequent telephone conversations with me between March 15th and the date of this Declaration, Dr. Dombkowski told me that he would not sign the declaration and oath, as requested, due to his view of the circumstances of the end of his employment relationship with Genomic Solutions.

5. Dr. Dombkowski's last known residence address is 7300 Chichester, Canton, Michigan 48187. As stated above, I personally delivered copies of the application papers to him on March 15, 2002. Based on my direct contacts with him, I believed and continue to believe that any additional attempts to secure Dr. Dombkowski's signature, such as by mailing additional copies of the application papers to his residence, would be futile.

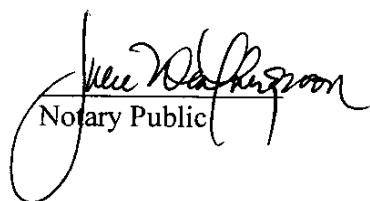
6. I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Dated: July 22, 2002



Michael D. Kane, Ph.D.

Subscribed and sworn to me this 22nd day of July 2002:



Lee D. Thompson
Notary Public

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